

Entered - 4-16-98 - sb  
CL 98L0261 - GWENDOLYN BURNS

CLAIM OF: ANGELO L. MOZEE  
106 Rogers Street, SE  
Atlanta, Georgia 30317

00-R-1710

For property damages alleged to have been sustained as a result of several sewer back ups on November 1, November 21, and November 24, 1998 at 106 Rogers Street, SE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:**

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **ANGELO L. MOZEE** the sum of **\$950.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of several sewer back ups on November 1, November 21, and November 24, 1998 at 106 Rogers Street, SE as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 98L0261

Date: October 20, 2000

Claimant /Victim ANGELO L. MOZEE  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 106 Rogers Street, SE, Atlanta, Georgia 30317  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 950.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 4/3/98 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 11/1/98, 11/21/98, 11/24/98 Place: 106 Rogers Street, SE  
Department PUBLIC WORKS Division Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant sustained property damages to his residence from several sanitary sewer back ups. An investigation determined that the City was on notice of said sewer problem at this location but failed to correct it.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant X Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

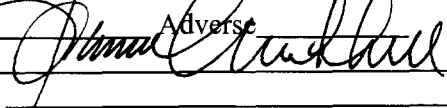
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 950.00 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 10-20-00  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

**GENERAL RELEASE AND INDEMNIFICATION**

CLAIM NUMBER 98L0261

\$ 950.00

IN CONSIDERATION of the sum of NINE HUNDRED FIFTY DOLLARS AND NO/100 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of Several property damage incidents - sewer back ups which occurred on or about the 1<sup>st</sup>, 21<sup>st</sup>, 24<sup>th</sup> day of November, 1997, at or near 106 Rogers Street, SE.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this Oct day of 19, 20 00.

Angelo L. Mozee (LS)  
**ANGELO L. MOZEE**

\_\_\_\_ (LS)

The above release was read and explained to, and signed by the said Angelo L. Mozee in our presence on the date above written.  
(Angelo L. Mozee)

Dawn Rousey

\_\_\_\_\_  
WITNESSES

COUNCIL of the CITY OF ATLANTA  
CLERK OF COUNCIL  
68 Mitchell Street, SW  
Atlanta, Georgia 30335

**MUNICIPAL CLAIM FOR DAMAGES**

DATE: 3-31-98

ENTERED - 4-16-98 - SB

9810261 - ANTHONY OATIS

Dear Sir:  
This is to notify the City of Atlanta that I have suffered damages in the sum of \$ 800.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of accident: DEC. 97 2. Police called: NO  
50 (yes) (no)
3. Location of accident: 106 ROGERS ST. S.E.
4. Name of your insurance company: \_\_\_\_\_
5. State how accident occurred: HEAVY RAIN CAUSED STREET PIPE TO BACK UP AND FLOODED BOTH OF MY BATHROOMS FLOORS CAUSING THE FLOOR TO COLLAPSE.
6. If a vehicular accident, complete the following and attach two (2) estimates of repair. ALL ESTIMATES AND VEHICLE DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE STATEMENTS WILL RESULT IN YOUR CLAIMS BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! The registered owner must make the claim for vehicle damages.
7. Your vehicle: \_\_\_\_\_  
(make) (year) (tag#) (driver's name)
8. City vehicle: \_\_\_\_\_  
(make) (year) (tag#) (drivers name)
9. Witness: \_\_\_\_\_  
(name) (phone) (address)
10. The knowledge of this claim in no way waives the Governmental Immunity of the City of Atlanta, as granted by State Law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

I HEREBY CERTIFY THE ABOVE INFORMATION IS TRUE AND CORRECT.

11. THIS CLAIM SHOULD BE MAILED IMMEDIATELY TO THE ADDRESS SHOWN ABOVE

Angelo L. MOZEE

(Claimant)

106 ROGER ST. S.E.

(address)

Atlanta

GA

30317

(City)

(State)

(Zip)

404-377-1244

(home)

(phone)

404-526-5556

(work)

00-R-1710

11pm-7pm